

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY LOREN MORTENSEN,

Defendant.

Case No.: 2:11-cr-00095-RLH-CWH

ORDER

(Motion to Vacate – #74
Motion for Leave to Appeal – #76
Motion to Stay Briefing – #77)

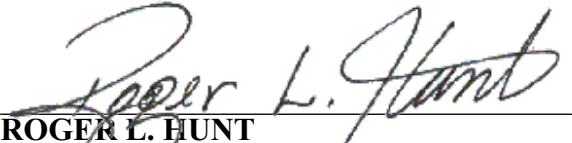
Before the Court is Defendant Timothy Loren Mortensen’s **Motion to Vacate Under 28 U.S.C. § 2255** (#74, September 16, 2013) and **Motion for Leave to Appeal Adverse Ruling on First Three Grounds from Petitioner’s § 2255 Motion** (#76, September 20, 2013). Also, before the Court is Plaintiff United States’ **Motion to Stay § 2255 Briefing Schedule Until Direct Appeal is Final** (#77, September 27, 2013).

Local Rule LR IA 10-6 provides that, “a party who has appeared by attorney cannot while so represented appear or act in the case. . . .” In this case, the Court appointed counsel for Defendant Mortensen on August 30, 2013 (#72) and Defendant Mortensen was represented by Assistant Federal Public Defender Alina Shell at the time of the *pro se* filings. Therefore, Defendant Mortensen’s *pro se* filed motions will be stricken without prejudice.

1 IT IS THEREFORE ORDERED that Defendant Mortensen's **Motion to Vacate**
2 **under 28 U.S.C. § 2255 (#74)** and **Motion for Leave to Appeal Adverse Ruling on First Three**
3 **Grounds from Petitioner's § 2255 Motion (#76)** are each **STRICKEN**.

4 IT IS FURTHER ORDERED that Plaintiff United States' **Motion to Stay § 2255**
5 **Briefing Schedule Until Direct Appeal is Final (#77)** is **DENIED** as moot in light of this Order.

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7 Dated: October 18, 2013

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10 **ROGER L. HUNT**
11 **United States District Judge**
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